

PTO/SB/21 (08-03)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|   |                             |                    |
|---|-----------------------------|--------------------|
| <b>Application Number</b>                       | 10/666998                   |                    |
|   | <b>Filing Date</b>          | September 19, 2003 |
|   | <b>First Named Inventor</b> | Mark Aaron Behlke  |
|   | <b>Art Unit</b>             | Not assigned       |
|   | <b>Examiner Name</b>        | Not assigned       |
| <b>Attorney Docket Number</b>                   | PA2003-4                    |                    |
| <b>Total Number of Pages in This Submission</b> | 6                           |                    |

**ENCLOSURES (Check all that apply)**

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application                     | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address       | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | Form 1499A/B/PTO, References AA-CC*   |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> CD, Number of CD(s) _____  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <b>Remarks</b>  |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | *The total # of pages listed above for this submission does not include the references pages. |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                                |                          |
|--------------------------------|--------------------------|
| <b>Firm or Individual name</b> | Robert M. Gould - 43,642 |
| <b>Signature</b>               |                          |
| <b>Date</b>                    | October 23, 2003         |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                              |                 |             |                  |
|------------------------------|-----------------|-------------|------------------|
| <b>Typed or printed name</b> | Robert M. Gould |             |                  |
| <b>Signature</b>             |                 | <b>Date</b> | October 23, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

this box **SECRET**  
 OCT 31 2003  
 ON DISCLOSURE  
 BY APPLICANT

OCT 31 2003

*(Use as many sheets as necessary)*

Sheet

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of

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|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/666998          |
| Filing Date            | September 19, 2003 |
| First Named Inventor   | Mark Aaron Behlke  |
| Group Art Unit         | Not assigned       |
| Examiner Name          | Not assigned       |
| Attorney Docket Number | PA2003-4           |

[illegible][illegible]

| OTHER - NON PATENT LITERATURE DOCUMENTS |          |  |             |      |
|---|----------|--|-------------|------|
| Examiner Initials                       | Doc. No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published. | Translation |      |
|   |          |  | Yes         | No** |
|   | C A      | PUSKAS et al., Diamino-Antraquinone: A New Intercalating Agent. Synthesis and Linking to Oligodeoxynucleotide, Nucleosides & Nucleotides, 1995, 967-968, 14(3-5)   |             |      |
|   | C B      | MAY et al., A Novel Dark Quencher for Oligonucleotide Probes: Synthesis and Applications, poster presentation from TIDES 2002 IBC Oligonucleotide and Peptide Technology Conference, May 6-8, Las Vegas, NV  |             |      |
|   | C C      | Easy Q&Q PCR, <a href="http://www.eurogentec.be/code/en/product_easy_qq.htm">http://www.eurogentec.be/code/en/product_easy_qq.htm</a> , visited 05-09-2002, 4 pages  |             |      |
|   |          |  |             |      |
|   |          |  |             |      |

Date Considered

- \* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).
- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).



**PATENT**  
Attorney Docket No. PA2003-4  
Customer No. 34916

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mark Aaron BEHLKE et al.

Group Art Unit: Not assigned

Application No. 10/666998

Examiner: Not assigned

Filed: September 19, 2003

For: ANTHRAQUINONE QUENCHER DYES,  
THEIR METHODS OF PREPARATION  
AND USE

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

| U.S. APPLICATIONS |                  | Status ( <i>check one</i> ) |         |           |
|-------------------|------------------|-----------------------------|---------|-----------|
| U.S. APPLICATIONS | U.S. FILING DATE | PATENTED                    | PENDING | ABANDONED |

In re Appln. of Behlke et al.  
Application No. 10/666,998

|    |  |  |  |  |
|----|--|--|--|--|
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |

**Statement under 37 CFR 1.97(e)**


- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ **No fee** is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

  
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(847) 745-1715 (telephone)  
(847) 745-1731 (facsimile)

Date: October 23, 2003

**CERTIFICATE OF MAILING**

In re Appln. of Behlke et al.  
Application No. 10/666,998

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 10/23/2003

Robert Gould

IDS (Revised 5/21/03)